

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

Case No. 5:18- mj- 33(ATB)

GERMY VASQUEZ-VASQUEZ )

Defendant. )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of January 18, 2018 in the county of Cayuga in the Northern District of New York the defendant violated:

*Code Section*

18 U.S.C. § 1546(b)(3)  
42 U.S.C. § 408(a)(7)(B)

*Offense Description*

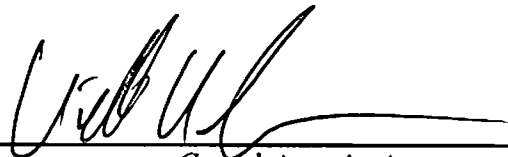
Making a False Attestation  
Misuse of Social Security Number

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Attested to by the Applicant in Accordance with the Requirements of Rule 4.1 of the Federal Rules of Criminal Procedure.



*Complainant's signature*

William Saunders, Deportation Officer, ICE

*Printed name and title*

Sworn to before me and signed in my presence.

Date: January 29, 2018



*Judge's signature*

City and State: Syracuse, New York

Hon. Andrew T. Baxter, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

**STATE OF NEW YORK)  
COUNTY OF ONONDAGA)                   SS:  
CITY OF SYRACUSE)**

William M. Saunders, being duly sworn, deposes and says that:

1. I am currently a Deportation Officer with the United States Immigration and Customs Enforcement ("ICE"). I have been so employed with ICE for 20 years.

2. As a part of my duties at ICE, I have investigated violations of the Immigration and Nationality Act and other violations of the United States Code, including, Title 18, United States Code, Section 1546 and Title 42, United States Code 408.

3. I make this affidavit in support of a Criminal Complaint charging Gerny VASQUEZ-Vasquez ("VASQUEZ-Vasquez") with violations of Title 18, United States Code, Section 1546(b)(3), making a false attestation, and Title 42, United States Code 408(a)(7)(B), misusing a social security number.

4. The statements in this affidavit are based upon my own knowledge, my review of ICE's official records, and upon information that I obtained from other law enforcement officers involved with this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish probable cause for the violations stated above.

5. On September 9, 2011, United States Border Patrol arrested VASQUEZ-Vasquez at or near Brownsville, Texas and served VASQUEZ-Vasquez with a Notice to Appear (Form I-862), placing him into removal proceedings.

6. On February 16, 2012, VASQUEZ-Vasquez was ordered removed from the United States, in absentia, by an Immigration Judge in Harlingen, Texas. On this same date, VASQUEZ-Vasquez became an ICE fugitive.

7. On January 18, 2018, ICE received notification that VASQUEZ-Vasquez was arrested by the New York State Police (NYSP) in Lafayette, New York. ICE attempted to lodge an Immigration Detainer (Form I-247), but was informed that VASQUEZ-Vasquez had not been booked into the Onondaga County Jail pursuant to this encounter. ICE contacted the NYSP and was informed that VASQUEZ-Vasquez was processed for an arrest and released on an appearance ticket. ICE then conducted a targeted enforcement operation at 3433 Amber Road in Syracuse, New York, which was the address VASQUEZ-Vasquez provided NYSP during his arrest. ICE arrived at 3433 Amber Road and determined the residence was part of Hourigan Family Dairy LLC. Your affiant met with Richard Hourigan, a manager of Hourigan Family Dairy LLC, showed him a picture of VASQUEZ-Vasquez and asked him if he recognized the individual. Mr. Hourigan said he did and that VASQUEZ-Vasquez was currently employed by Hourigan Family Dairy LLC and was currently at the 3433 Amber Road address. ICE Officers accompanied Mr. Hourigan to 3433 Amber Road and waited for VASQUEZ-Vasquez to exit the residence and placed VASQUEZ-Vasquez under arrest pursuant to the outstanding Warrant of Removal (Form I-205). Your affiant asked for a copy of the Employment Eligibility Verification form (Form I-9) that VASQUEZ-Vasquez completed for employment.

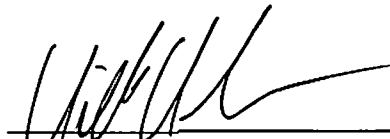
8. On January 19, 2018, Mr. Hourigan provided your affiant with a copy of the I-9, that VASQUEZ-Vasquez completed for employment. On the form, VASQUEZ-Vasquez attested, under penalty of perjury, that his name was Gerny VASQUEZ, that his Social Security number was \*\*\*-\*\*-3135, and that he was a Lawful Permanent Resident. The I-9 form also indicates that VASQUEZ-

Vasquez presented an Alien Registration Card (I-551), bearing alien registration number ACO2713487199, as proof of his identity and his eligibility to work in the United States.

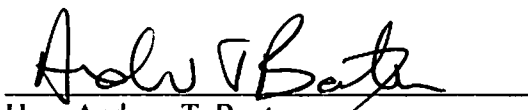
9. According to record checks conducted with the Social Security Administration-Office of the Inspector General (OIG), social security number \*\*\*-\*\*-3135 is not a valid social security number.

10. The alien registration number provided, ACO2713487199 is not a properly formatted number, nor is it a properly formatted number for any other Immigration number in use, such as a receipt number for an application filed with United States Citizenship and Immigration Services (CIS).

11. Based on the above referenced immigration record checks, your affiant respectfully submits that there is probable cause to believe that VASQUEZ-Vasquez made false attestations in order to gain employment, in violation of Title 18, United States Code, Section 1546(b)(3), and falsely represented that a Social Security Number was assigned to him for the purpose of obtaining a payment or benefit he was not entitled to, or for the purpose of obtaining anything of value from any person, or for any other purpose, in violation of Title 42, United States Code, Section 408(a)(7)(B).

  
William M. Saunders  
Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me  
This 22<sup>nd</sup> day of January, 2018

  
Hon. Andrew T. Baxter  
United States Magistrate Judge